

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Root, Inc., et al.,	:	
	:	Case No. 2:23-cv-512
<i>Plaintiffs,</i>	:	
	:	Judge Sarah D. Morrison
v.	:	
	:	Magistrate Judge Elizabeth Preston Deavers
Silver, et al.,	:	
	:	
<i>Defendants.</i>	:	

JOINT MOTION FOR DISMISSAL OF PAIGE MCDANIEL WITHOUT PREJUDICE

Pursuant to Rule 21 of the Federal Rules of Civil Procedure, Plaintiffs Root, Inc., Caret Holdings, Inc., and Root Insurance Agency, LLC (“Root”) and Defendant Paige McDaniel (“McDaniel”) jointly move for dismissal of McDaniel without prejudice.¹ Plaintiffs have consulted with counsel for all Defendants that have entered an appearance in this litigation, and none of them object to this Motion.

¹ Root and McDaniel bring this motion under Rule 21 because a Rule 41 joint stipulation of dismissal is not applicable because the parties are seeking dismissal of only one defendant, and not dismissal of the entire action. See *Espinosa v. First Advantage Background Servs. Corp.*, 2023 U.S. Dist. LEXIS 46046, at *1-2 (S.D. Ohio March 17, 2023) (Rule 21, not 41, is proper procedural vehicle in this context).

Respectfully submitted,

/s/Elizabeth S. Alexander

William D. Kloss, Jr. (0040854), Trial Attorney
Tiffany S. Cobb (0067516)
Elizabeth S. Alexander (0096401)
Grace E. Saalman (0101603)
VORYS, SATER, SEYMOUR AND PEASE LLP
52 East Gay Street, P.O. Box 1008
Columbus, Ohio 43216-1008
Phone: (614) 464-6360 Fax: (614) 719-4807
wdklossjr@vorys.com
tscobb@vorys.com
esalexander@vorys.com
gesaalman@vorys.com

Matthew L. Kutcher (IL Bar No. 6275320)
COOLEY LLP *Admitted Pro Hac Vice*
110 N. Wacker Drive Suite 4200
Chicago, IL 60606
Phone: (312)-881-6500
Fax: (312)-881 6598
mkutcher@cooley.com

Kristine A. Forderer (CA Bar No. 278754)
COOLEY LLP *Admitted Pro Hac Vice*
3 Embarcadero Center
San Francisco, CA 94111
Phone: (415) 693-2128
kforderer@cooley.com

Counsel for Plaintiffs

/s/Thomas A. Barni (via email authority)

THOMAS A. BARNI (0064555)
ANDREW J. YARGER (0086919)
6105 Parkland Boulevard, Suite 100
Cleveland, Ohio 44124
Phone: (440) 446-1100
Fax: (440) 446-1240
tbarni@dhplaw.com
ayarger@dhplaw.com

Counsel for Defendant, Paige McDaniel

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was filed electronically on this 24th day of October, 2024 with the Clerk of Court using the CM/ECF system. Service will be made through the Court's CM/ECF system on all parties and attorneys so registered, and all parties may access this filing through the Court's system.

/s/Elizabeth S. Alexander
Elizabeth S. Alexander (0096401)

Counsel for Plaintiffs